

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

KOMANDO JERRY NGOME, ¹)	
)	
Petitioner,)	
)	
v.)	C.A. No. 1:22-cv-00425-SE
)	
WARDEN, FCI BERLIN,)	
)	
Respondent)	
)	

DECLARATION OF ROBERT ROULEAU, CASE MANAGEMENT COORDINATOR

I, ROBERT ROULEAU, hereby make the following declaration:

1. I am employed by the United States Department of Justice, Federal Bureau of Prisons (“BOP”), as the Case Management Coordinator (“CMC”) at the Federal Correctional Institution in Berlin, New Hampshire (“FCI Berlin”). I have held this position since November 21, 2021, and I have been employed by the BOP since February 28, 2010.
2. The CMC’s Office is dedicated to providing oversight of case management activities within the institution. This office works directly with the unit teams, providing training and disseminating information to ensure that the institution is in compliance with Correctional Programs’ policies and procedures. The CMC provides coordination and oversight of many programs within the institution, including, but not limited to, Central Inmate Monitoring, Financial Responsibility, Admission and Orientation, Inmate Performance Pay, Victim/Witness Program and Adam Walsh Act compliance. The CMC also oversees the Correctional Systems Department.
3. To perform my official duties as Case Management Coordinator, I have access to records regarding federal prisoners maintained in the ordinary course of business in the BOP. This information includes, but is not limited to, documentary records, Judgment and Commitment files, BOP Program Statements, and records maintained in the Bureau of Prisons computerized data base, SENTRY.
4. I am aware inmate Jerry Ngome Komando, Reg. No. 58776-177 (“Petitioner”), filed the above-captioned petition challenging the Bureau of Prisons’ determination that he is ineligible for the application of First Step Act (“FSA”) time credits due to his detainer from U.S. Immigration and Customs Enforcement (“ICE”).
5. On June 9, 2021, Petitioner was sentenced by the U.S. District Court for the Northern District of Texas in Case No. 19-CR-00485 to a 5-year, 28-day term of imprisonment with a two-year term of supervision for Money Laundering, in violation of 18 U.S.C. §

¹ Petitioner’s name in BOP records is Jerry Ngome Komando.

1956(a)(1)(A)(i). Petitioner's current projected release date via good conduct time is August 29, 2023. A true and accurate copy of the Sentence Monitoring Computation Data for Jerry Ngome Komando, Reg. No. 58776-177, is attached hereto as ***Attachment 1***.

6. Petitioner arrived for service of his sentence at a BOP contract facility, Giles W. Dalby Correctional Institution, on December 16, 2021.² He transferred to FCI Berlin on April 6, 2022. A true and accurate copy of the Admission-Release History for Jerry Ngome Komando, Reg. No. 58776-177, is attached hereto as ***Attachment 2***.
7. On or about May 2, 2019, ICE lodged a detainer against Petitioner based on "the pendency of ongoing removal proceedings against the alien." A true and accurate copy of the Detainer is attached hereto as ***Attachment 3***.
8. Shortly after receiving notice of this petition, my staff at FCI Berlin contacted ICE to confirm the detainer. ICE confirmed there were pending removal proceedings against Petitioner, and it intended to take custody of Petitioner following his release from BOP.
9. BOP recently issued Program Statement 5410.01, *First Step Act of 2018 – Time Credits: Procedures for Implementation of 18 U.S.C. § 3632(d)(4)*. A true and accurate copy of Program Statement 5410.01 is attached hereto as ***Attachment 4***. Section 10(a) states:

While inmates with unresolved pending charges and/or detainees may earn FTCs, if otherwise eligible, they will be unable to apply them to prerelease custody or release to supervision unless the charges and/or detainees are resolved. An inmate with an unresolved immigration status will be treated as if he/she has unresolved pending charges with regard to the application of FTCs.

10. Further, Section 10(d) of Program Statement 5410.01 states:

For inmates who meet the following criteria, up to 365 days of earned FTCs will be automatically applied to early release:

- Has a term of supervised release to follow term of incarceration
- Has a low or minimum PATTERN risk level
- Has maintained a low or minimum PATTERN risk level for at least two consecutive assessments conducted during regularly scheduled Program Reviews
- Has no detainees or unresolved pending charges, to include unresolved immigration status and
- Has not opted out or refused to participate in any required program, and therefore, is in earning status.

See id.

² BOP terminated its contract with Giles W. Dalby Correctional Institution on or about June 30, 2022.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 21st day of November 2022.

A handwritten signature in black ink, appearing to read 'R Rouleau', is written over a horizontal line.

Robert Rouleau
Case Management Coordinator
FCI Berlin, New Hampshire